

BEST AVAILABLE COPY

Please withdraw from consideration claims 3-11, 13, 15, 19-22, 24-29, 31, 35, 36, 39, 40, 43, 45, 46, 49, 50, 52, 54, 55, and 57-60, and add new claims 61-68 as indicated in the following list of pending claims:

1. (Canceled)
2. (Canceled)
3. (Withdrawn) The medical device as recited in Claim 49, wherein said fixation agent comprises a bonding agent, and said device further comprising at least one opening for dispensing said bonding agent into the patient's body.
4. (Withdrawn) The medical device as recited in Claim 3, wherein said bonding agent comprises a surgical adhesive.
5. (Withdrawn) The medical device as recited in Claim 4, wherein said surgical adhesive comprises a cyanoacrylate.
6. (Withdrawn) The medical device as recited in Claim 3, wherein said bonding agent comprises a fibrin glue.
7. (Withdrawn) The medical device as recited in Claim 3, wherein said bonding agent comprises a solvent.
8. (Withdrawn) A medical device comprising a shaft having a distal end, a proximal end, a localization wire, and a longitudinal axis, the device being adapted for placement of said distal end into a patient's body at a desired location, said medical device having a fixation agent disposed on said distal end, the fixation agent being adapted for affixing the distal end of said medical device at said desired location, further

comprising a catheter having a lumen through which said localization wire is introduced into the patient's body.

9. (Withdrawn) The medical device as recited in Claim 8, wherein said fixation agent comprises a bonding agent, and said catheter has a second lumen which accommodates said bonding agent.

10. (Withdrawn) The medical device as recited in Claim 3, wherein said tube comprises a braided outer wall, the braided outer wall having an interstice which comprises said at least one opening for dispensing said bonding agent.

11. (Withdrawn) The medical device as recited in Claim 3, wherein said shaft comprises an outer wall formed from a coil of material, said coil being utilized to create an interstice which comprises said at least one opening for dispensing said bonding agent.

12. (Canceled)

13. (Withdrawn) The medical device as recited in Claim 3 comprising a surgical instrument, wherein said surgical instrument comprises a tissue acquisition device having a longitudinal axis about which said device is rotatable and comprises: a cutting element disposed on said tube for cutting surrounding tissue; and a bushing disposed on said shaft which is rotatable relative to said shaft; wherein the bonding agent dispensed through said at least one opening affixes said bushing to surrounding tissue, so that the instrument is secured in a desired location without preventing rotational movement thereof.

14. (Canceled)

15. (Withdrawn) The medical device as recited in Claim 50, wherein said mechanical fixation agent comprises a Mallicot structure.

16. (Canceled)

17. (Canceled)

18. (Canceled)

19. (Withdrawn) The medical device as recited in Claim 50, wherein said mechanical fixation agent comprises a rolled stent and an axially movable sleeve, wherein when said sleeve is moved proximally the stent is exposed and unrolls to engage surrounding tissue and affix the distal end of the medical device.

20. (Withdrawn) The medical device as recited in Claim 50, wherein said mechanical fixation agent comprises a radially expandable and retractable basket.

21. (Withdrawn) The medical device as recited in Claim 49, wherein said fixation agent comprises an electrosurgical element disposed on the shaft distal end, which coagulates tissue surrounding the shaft distal end and thereby causes said tissue to be affixed to the shaft distal end.

22. (Withdrawn) The medical device as recited in Claim 49, wherein said fixation agent comprises an electrical heating element disposed on the shaft distal end, which cauterizes tissue surrounding the shaft distal end and thereby causes said tissue to be affixed to the shaft distal end.

23. (Canceled)

24. (Withdrawn) The tissue acquisition instrument as recited in Claim 51, wherein said structure comprises comprising a lumen containing a bonding agent and at least one opening disposed at said distal end for dispensing said bonding agent to surrounding tissue.

25. (Withdrawn) The tissue acquisition instrument as recited in Claim 24, wherein said instrument is rotatable about said longitudinal axis, said instrument further comprising:

a bushing disposed on said instrument which is rotatable relative to said instrument;

wherein the bonding agent dispensed through said at least one opening affixes said bushing to said surrounding tissue, so that the instrument is secured in a desired location without preventing rotational movement thereof.

26. (Withdrawn) The tissue acquisition instrument as recited in Claim 24, wherein said bonding agent comprises a surgical adhesive.

27. (Withdrawn) The tissue acquisition instrument as recited in Claim 26, wherein said surgical adhesive comprises a cyanoacrylate.

28. (Withdrawn) The tissue acquisition instrument as recited in Claim 24, wherein said bonding agent comprises a fibrin glue.

29. (Withdrawn) The tissue acquisition as recited in Claim 24, wherein said bonding agent comprises a solvent.

30. (Canceled)

31. (Withdrawn) The tissue acquisition instrument as recited in Claim 51, wherein said mechanical fixation element comprises a Mallicot structure.

32. (Currently Amended) The tissue acquisition instrument as recited in Claim 51, wherein said mechanical fixation element has a pair of bendable legs with each leg having comprises having a hinged linkage.

33. (Canceled)

34. (Canceled)

35. (Withdrawn) The tissue acquisition instrument as recited in Claim 31, wherein said mechanical fixation agent comprises a rolled stent and an axially movable sleeve, wherein when said sleeve is moved proximally the stent is exposed and unrolls to engage said surrounding tissue and affix the distal end of the medical device.

36. (Withdrawn) The tissue acquisition instrument as recited in Claim 51, wherein said mechanical fixation element comprises a radially expandable and retractable basket.

37. (Canceled)

38. (Canceled)

39. (Withdrawn) The tissue acquisition instrument as recited in Claim 51, wherein said instrument is rotatable about said longitudinal axis, said instrument further comprising: a bushing disposed on said instrument which is rotatable relative to said instrument; wherein said structure comprises an electrosurgical element disposed on said bushing, wherein when said electrosurgical element is energized, the surrounding

tissue is coagulated and bonds to said bushing, so that the instrument is secured in a desired location without preventing rotational movement thereof.

40. (Withdrawn) The tissue acquisition instrument as recited in Claim 24, wherein said instrument is rotatable about said longitudinal axis, said instrument further comprising:

a bushing disposed on said instrument which is rotatable relative to said instrument;

wherein said structure comprises an electrical heating element disposed on said bushing, wherein when said electrical heating element is energized, the surrounding tissue is cauterized and bonds to said bushing, so that the instrument is secured in a desired location without preventing rotational movement thereof.

41. (Canceled)

42. (Canceled)

43. (Withdrawn) The method as recited in Claim 60, wherein the step of affixing the distal end of the instrument is performed by dispensing a bonding agent from said distal end into surrounding tissue.

44. (Canceled)

45. (Withdrawn) The method as recited in Claim 60, wherein the step of affixing the distal end of the instrument is performed by activating an electrosurgical element and operating it to coagulate tissue surrounding the distal end of the instrument, to an extent that the tissue bonds to the instrument distal end.

46. (Withdrawn) The method as recited in Claim 60, wherein the step of affixing the distal end of the instrument is performed by activating an electrical heating element and operating it to cauterize tissue surrounding the distal end of the instrument, to an extent that the tissue bonds to the instrument distal end.

47. (Canceled)

48. (Canceled)

49. (Withdrawn) A medical device comprising a shaft having a distal end, a proximal end, and a longitudinal axis, the device being adapted for placement of said distal end into a patient's body at a desired location, said medical device having a fixation agent selected from the group consisting of a bonding agent, an electrical heating agent, an electrosurgical coagulating agent, an electrosurgical cauterizing agent, and combinations thereof, the fixation agent being configured for affixing the distal end of said medical device at said desired location.

50. (Withdrawn) A medical device comprising a shaft having a distal end, a proximal end, and a longitudinal axis, the device being configured for placement of said distal end into a patient's body at a desired location, said medical device having a mechanical fixation agent selected from the group consisting of a Mallicot structure, a stent, a sleeve, hinged structure, a basket, a wire, an anchor, and combinations thereof, said fixation agent being actuatable to extend outwardly into tissue surrounding the distal end of said device to engage said tissue and to thereby anchor the distal end of the device at said desired location disposed on said distal end, the mechanical fixation

agent being configured for affixing the distal end of said medical device at said desired location.

51. (Currently Amended) A tissue acquisition instrument for retrieving body tissue, having a longitudinal axis and comprising: a distal end adapted for entry into a patient's body; a cutting element disposed on said instrument for cutting surrounding tissue; and ~~structure selected from the group consisting of a bonding element[[.]] a mechanical fixation element[[.]] an electrosurgical element, an electrical heating element, and combinations thereof, said structure being~~ disposed on said distal end for securing said tissue acquisition instrument at a predetermined desired location, in order to insure that the tissue acquisition instrument remains in place during a tissue acquisition procedure so that a tissue specimen is properly acquired.

52. (Withdrawn) The tissue acquisition instrument as recited in Claim 31, wherein said tissue specimen has a transverse dimension and said Mallicot structure is configured to have a transverse dimension smaller than the transverse dimension of the tissue specimen.

53. (Previously Presented) The tissue acquisition instrument as recited in Claim 32, wherein said tissue specimen has a transverse dimension and said hinged linkage is configured to have a transverse dimension smaller than the transverse dimension of the tissue specimen.

54. (Withdrawn) The tissue acquisition instrument as recited in Claim 36, wherein said tissue specimen has a transverse dimension and said radially expandable

and retractable basket is configured to have a transverse dimension smaller than the transverse dimension of the tissue specimen.

55. (Withdrawn) The tissue acquisition instrument as recited in Claim 31, wherein said cutting element has a transverse dimension and said Mallicot structure is configured to have a transverse dimension smaller than the transverse dimension of the cutting element.

56. (Previously Presented) The tissue acquisition instrument as recited in Claim 32, wherein said cutting element has a transverse dimension and said hinged linkage is configured to have a transverse dimension smaller than the transverse dimension of the cutting element.

57. (Withdrawn) The tissue acquisition instrument as recited in Claim 36, wherein said cutting element has a transverse dimension and said radially expandable and retractable basket is configured to have a transverse dimension smaller than the transverse dimension of the cutting element.

58. (Withdrawn) A method for performing a tissue acquisition procedure using a tissue acquisition instrument having a distal end, a proximal end, a longitudinal axis, and a cutting element, the method comprising the steps of:

- a) placing the distal end of the instrument in a patient's body, so that the distal end is disposed in a desired tissue location;
- b) affixing the distal end of the instrument to said desired tissue location by performing a step selected from the group consisting of dispensing a

bonding agent from said distal end into surrounding tissue, activating an electrosurgical element, activating an electrical heating element, and combinations thereof.

59. (Withdrawn) The medical device of claim 49, wherein said fixation agent comprises a bonding agent selected from the group consisting of adhesives, solvents, and combinations thereof.

60. (Withdrawn) The method of claim 43, wherein said bonding agent is selected from the group consisting of adhesives, solvents, and combinations thereof.

61. (New) A tissue specimen acquisition instrument, comprising:

- a. an elongated shaft having a longitudinal axis and a distal end adapted for entry into a patient's body;
- b. a tissue cutting element disposed on the elongated shaft proximal to the distal end of the shaft for cutting tissue surrounding the elongated shaft; and
- c. a mechanical fixation assembly on the elongated shaft proximal to the distal end which has a pair of outwardly bendable legs for securing tissue severed by the tissue cutting element in order to insure that the tissue acquisition instrument remains in place during a tissue acquisition procedure so that a tissue specimen is properly acquired.

62. (New) The tissue specimen acquisition instrument as recited in Claim 61, wherein the bendable legs have first and second leg segments and a hinged linkage therebetween.

63. (New) The tissue specimen acquisition instrument of claim 62 wherein the bendable legs have distal ends with a hinged linkage.

64. (New) The tissue specimen acquisition instrument of claim 62 wherein the bendable legs are configured to have a transverse dimension smaller than the transverse dimension of the tissue specimen.

65. (New) A tissue specimen acquisition instrument, comprising:

- a. an elongated shaft having a longitudinal axis and a distal end adapted for entry into a patient's body; and
- b. a mechanical fixation assembly on the elongated shaft proximal to the distal end which has a pair of outwardly bendable legs for securing a tissue specimen in order to insure that the tissue acquisition instrument remains in place during a tissue acquisition procedure so that a tissue specimen is properly acquired.

66. (New) The tissue specimen acquisition instrument as recited in Claim 65, wherein the bendable legs have first and second leg segments and a hinged linkage therebetween.

67. (New) The tissue specimen acquisition instrument of claim 66 wherein the bendable legs have distal ends with a hinged linkage.

68. (New) The tissue specimen acquisition instrument of claim 66 wherein the bendable legs are configured to have a transverse dimension smaller than the transverse dimension of the tissue specimen.

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.